

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 14

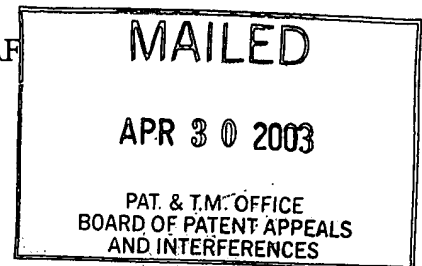
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PATRICK J. SULLIVAN and ZIAD SAWAF

Appeal No. 2001-1983
Application No. 08/889,889

ON BRIEF



Before HAIRSTON, JERRY SMITH, and LEVY, Administrative Patent Judges.
HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 42.

The disclosed invention relates to a video surveillance system and method for generating data and video of a financial transaction at a client, transmitting the data and video via a communications network to a server, and displaying the data and video at the server.

Appeal No. 2001-1983
Application No. 08/889,889

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A video surveillance system, comprising:

a client operable to perform a financial transaction, the client further operable to generate data from the financial transaction, the client having a camera operable to generate video of the financial transaction, the client operable to transmit the data and video using a communications network; and

a server coupled to the client using the communications network, the server operable to receive the data and video from the client and to display the video and data in real-time.

The reference relied on by the examiner is:

Ishida et al. (Ishida)

5,585,839

Dec. 17, 1996

Claims 1 through 42 stand rejected¹ under 35 U.S.C. § 102(b) as being anticipated by Ishida.

Reference is made to the initial Office action (paper number 4), the briefs (paper numbers 10 and 12) and the answer (paper number 11) for the respective positions of the appellants and the examiner.

¹ A provisional double patenting rejection (final rejection, pages 2 and 3) was made in this application based upon claims in copending Application No. 08/677,513. Appellants indicated that they would "file a proper terminal disclaimer necessary to overcome this rejection when the cases progress to issue" (brief, page 3). The provisional double patenting rejection was not repeated in the answer.

OPINION

We have carefully considered the entire record before us, and we will reverse the anticipation rejection of claims 1 through 42.

All of the claims on appeal require that the client generate data as well as video of a financial transaction, that the client send the financial data and video over a communications network to a server, and that the server display both the financial data and the video.

According to the examiner (answer, page 4), “financial transaction data is inherently . . . generated . . .” by an ATM located at a client (i.e., the end station 3) in the system disclosed by Ishida (e.g., Figure 2), and since “[t]he system accommodates real-time exchange of video, data and audio . . . between . . . stations through a digital ISDN network . . .,” the noted financial data is sent to a server (i.e., the center station 2).

Appellants argue (brief, page 5) that:

Column 7, line 38 to Column 8, line 50 of *Ishida* makes clear the types of data communicated between end stations and center stations. The data, as detailed in this section, do not relate to any financial data generated by the ATM. Rather, as clearly indicated in the section referred to by the Examiner, the data are control data signals. *See Ishida*, Column 7, line 42). As described, these data merely include information such as “control signals for operating the audio signal switch circuit 26 and video signal switch circuit 25.” *See Ishida*, Column 7, lines 63-65. Therefore, *Ishida* fails to disclose, teach, or suggest all of the limitations of independent Claim 1. Because Claims 2-21 include similar limitations, Appellant respectfully requests that the Board . . . reverse the Examiner’s rejection of Claims 1-42.

We agree with the appellants’ arguments. Although *Ishida* undoubtedly generates financial data at the ATM along with a video of the financial transaction, nothing in the record before us


Appeal No. 2001-1983
Application No. 08/889,889


indicates that such financial data is transmitted with the video from the end station location of the ATM to the center station via the ISDN network. In Ishida, the only transmitted data is control data, and that type of data is not displayed with the video by the center station. Thus, the anticipation rejection is reversed because Ishida does not disclose every limitation of the claimed invention. Glaxo Inc. v. Novopharm Ltd., 52 F.3d 1043, 1047, 34 USPQ2d 1565, 1567 (Fed. Cir. 1995).

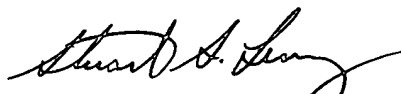
DECISION

The decision of the examiner rejecting claims 1 through 42 under 35 U.S.C. § 102(b) is reversed.

REVERSED


KENNETH W. HAIRSTON
Administrative Patent Judge


JERRY SMITH
Administrative Patent Judge


STUART S. LEVY
Administrative Patent Judge

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Appeal No. 2001-1983
Application No. 08/889,889

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